United Nations S/PV.3571

Security Council

Fiftieth Year

Provisional

3571st Meeting

Monday, 28 August 1995, 3.30 p.m.

New York

President:	Mr. Wisnumurti	(Indonesia)
Members:	Argentina	Mrs. Cañas
	Botswana	Mr. Nkgowe
	China	Mr. He Yafei
	Czech Republic	Mr. Kovanda
	France	Mr. Ladsous
	Germany	Mr. Rudolph
	Honduras	Mr. Réndon Barnica
	Italy	Mr. Fulci
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Sameen
	Russian Federation	Mr. Karev
	Rwanda	Mr. Bakuramutsa
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Gnehm

Agenda

The situation in Burundi

Letter dated 28 July 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/631)

95-85874 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 7.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

Letter dated 28 July 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/631)

The President: I should like to inform the Council that I have received a letter from the representative of Burundi in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Terence (Burundi) took a place at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1995/631, which contains the text of a letter dated 28 July 1995 from the Secretary-General addressed to the President of the Security Council.

Members of the Council also have before them document S/1995/724, which contains the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, Rwanda, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I should like to draw the attention of the members of the Council to the following other documents: S/1995/157, letter dated 23 February 1995 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the preparatory fact-finding mission to Burundi; S/1995/163, the report of the Security Council mission to Burundi; and documents S/1995/673 and S/1995/731, letters dated 8 and 23 August 1995, respectively, from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council.

The first speaker is the representative of Burundi, on whom I now call.

Mr. Terence (Burundi) (*interpretation from French*): During this slow period of the year, when everyone wants to rush off on well-deserved vacations, the Security Council, under your lucid guidance, Mr. President, is carrying out the responsibility entrusted to it under Article 24 of the United Nations Charter: that of diligently seeing to the maintenance of international peace and security. In that context, the Council is now addressing the question of establishing an international judicial commission of inquiry, thus acceding to the specific proposal of the Government of Burundi, with the support of the political parties from which it derives.

For these various reasons, and on behalf of my Government, I should like to congratulate you warmly, Sir, on your accession to the presidency of the Security Council. I should also like to take the opportunity to pay tribute to Indonesia for its leading role four decades ago in founding an international organization given the historic mission of steering a course halfway between the ideological blocs that at the time were competing perilously for global supremacy.

Burundi would like to express its deep gratitude to all the eminent members of this prestigious body, for their positive roles *vis-à-vis* Burundi, and to the Secretary-General of the United Nations, His Excellency Mr. Boutros Boutros-Ghali, represented in Burundi by Ambassador Abdallah, for the constant and praiseworthy efforts he has made on behalf of Burundi and his special devotion to the mission of his Special Representative to Burundi with the aim of reaching a satisfactory end to Burundi's crisis.

Our special thanks go to the American delegation, which has shown particular dynamism and constancy in shepherding the draft resolution to the point at which it is now about to reach a successful conclusion.

The genesis of the international judicial commission of inquiry is as follows.

In October 1993 the President of the Republic was overthrown and assassinated by a handful of military officers who longed for a bygone era. Terrified as a

result of this event, the leaders of the party in power went into hiding, showing a marked distrust of the army. On the other hand, the military high command made intensive efforts to re-establish the legitimate Government and solemnly and officially proclaimed its natural loyalty to that Government, rather than seizing power.

Starting on 21 October 1993, and continuing during the following days, the leaders of the Burundi opposition, then comprised of eight political parties, vigorously denounced both the putsch and the assassination of the President. They demanded the unconditional restoration of constitutional legality. On the pretext of responding to this political assassination carried out by a small group of soldiers, massacres on a terrifying scale were unleashed across the nation against one of the major national groups, the Tutsis, and against numerous Hutu members of the opposition.

In the wake of this dual catastrophe, the political parties that clung to the notion that the President had been assassinated because of his Hutu origins showed themselves to be avid proponents of "ethnic cleansing" aimed at the Tutsi, who were wrongly accused of being allied with the army. This view was firmly rejected by the opposition political parties, which favoured the belief that the putschists and the assassins of the President had not been under the orders of the army or the Tutsi population. Moreover, those parties opposed the strong tendency to present Mr. Melchior Ndadaye as President only of the Hutus, who were therefore intent on avenging him. The opposition objected, on the contrary, that the murdered dignitary had been elected Head of State of all the national groups, that he was mourned as such by the entire people of Burundi and that only the perpetrators of this heinous crime should be held accountable to the nation and the international community.

Faced with these opposing positions, our country's political leaders resolved during arduous negotiations to turn to an international body to be entrusted with determining those guilty of murdering the Head of State and part of the population. Transcending their usual differences, the Burundi opposition and the presidential movement succeeded in crossing the Rubicon by reaching agreement on the establishment of an international judicial commission of inquiry. The combined will of these two political groupings was formalized in article 36 of the Convention of Government, which stipulates that under the Convention — S/1995/190, annex — the Burundi parties have agreed to call genocide, without prejudice to the outcome of the independent national and international investigations, the massacres that followed the assassination of the President of Burundi on 21 October 1993.

In application of the principle set forth in the Convention of Government, and following the joint and express endorsement of the presidential movement and the Burundi opposition, the President of the Republic and the Head of Government sent the Security Council, on 18 August 1995, through us, a statement of the motives and terms of reference designed to serve as guidelines for the establishment of the international commission of judicial inquiry.

It clearly emerges, then, that the initiative for establishing this commission comes from the Burundi political actors in search of an impartial international arbiter.

As we see it, an international judicial commission of inquiry would be charged with carrying out judicial inquiries. That is the understanding of the main parties to the Convention of Government: the 12 political parties that signed the Convention.

Since the start of the tragedy, the various political and ethnic camps have been constantly making accusations against one another concerning the assassination of the Head of State and the massacring of tens of thousands of innocent victims. The result is a pointless globalization of guilt, whereby the guilty are confused with the innocent and vice versa. A crushing burden thus weighs upon the entire nation. The vast majority of the people of Burundi — of all national communities — certainly have the right to declare their innocence. As the memorandum addressed by the Minister of National Defence to the Secretary-General during his recent visit to Burundi attests, supported by overwhelming proof, the army as an institution had nothing to do with the assassination of President Ndadaye and his four political colleagues, although, to be sure, a few soldiers committed this crime.

A malicious campaign orchestrated by foes of the Burundian army aims at poisoning international opinion. It is vital to eliminate the evil hearsay that has been spread throughout the world: far from being perpetrators of or accomplices in the abortive coup or in the assassination of President Ndadaye, the military leaders united to foil the perpetrators of the putsch and to punish the murderers. The memorandum from the Minister of

National Defence to the Secretary-General sets out instructive facts and deserves quotation:

> "From the outset of the attempts at a putsch, the competent services of the armed forces were engaged in trying to thwart it, to make it fail and to reestablish constitutional legality. Subsequently, the military intelligence services carried out investigations to identify those responsible. On 23 October 1993 an initiative to exercise military jurisdiction with a view to apprehending the suspects was rejected by members of the Government themselves".

The dogged determination of the military authorities to shed light on the two events is illustrated by specific, verifiable actions. Taking a stand against impunity, the army High Command has already handed over to the national commission of inquiry 85 soldiers for interrogation and 22 for detention. It has made numerous attempts to extradite 15 alleged perpetrators of the attempted putsch against the legal Government and of the assassination of the President of the Republic; these have fled to Zaire and Uganda. We run into a numbing paradox: the politicians who most vehemently accuse the army are carrying out clandestine manoeuvres to block procedures to extradite the 15 soldiers who have been summoned by the army High Command for the inquiries. Repeated requests by the Attorney-General of the Republic and by the *Auditeur-Général* to repatriate these 15 fugitives have been met with sabotage and obstacles by the very circles that ostentatiously pretend to demand that the guilty be punished.

The appalling attempt to exterminate the Tutsi national community and the numerous Hutus who advocate harmonious coexistence in Burundi was a precursor of the genocide in Rwanda, and could have attained comparable proportions. To carry out this planned genocide, the army criminals, the ironically named National Council for the Defence of Democracy and its armed civilian wing, the Forces for the Defence of Democracy, along with its precursor, the Palepihutu, are carrying out a scorched-earth policy. There is absolute proof that this movement has been furiously intensifying strategies that would lead to a genocide similar to that in Rwanda. The poisonous ideology spread by the so-called Radio Democracy, which is nothing more than an echo of the infamous Radio Mille Collines in Rwanda, the methods used and the unvarying targets all reveal that a new variant of nazism is being created in the heart of Africa at the end of the twentieth century. These neo-Nazi knights, under the command of the National Council for the Defence of Democracy, are focusing their mayhem on Tutsi refugee centres and on Tutsi civilians, whom they massacre and murder using the vilest methods. Hutus violently opposed to this Nazi doctrine and to "ethnic cleansing" suffer the same fate as their Tutsi compatriots.

Given the facts and the seriousness of the crimes I have catalogued, the international commission must identify the real perpetrators. Without prejudging the conclusions of the commission's inquiries, it is already clear that a political crime — the assassination of the President of our country — was committed and that crimes against humanity were committed, and continue with intensity through the systematic annihilation of social and human groupings on the basis of their ethnic affiliation, as with the Tutsis, or of their political allegiance, as with Hutus who struggle against the Nazi ideology that their fellow Hutus are spreading among the population of Burundi.

The success of the work of the international judicial commission of inquiry will depend on close and steady cooperation with the Government of Burundi in general and with the security forces and the national judicial system in particular. The commission will have to resist any temptation to exceed the mandate and the field of action delineated in the terms of reference proposed by the Government of Burundi and set out in the draft resolution before the Council. This code of conduct is dictated by a concern to prevent any compromise of national sovereignty, any interference in the internal affairs of Burundi and any possible mingling of matters within the commission's mandate with subjects outside its area of competence.

The President: I thank the representative of Burundi for the kind words he addressed to me.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Kovanda (Czech Republic): Burundi has for some time now been balancing on the edge of a precipice. With an ethnic composition very similar to that of neighbouring Rwanda and with distrust between the

two ethnic groups similarly pronounced, there have been periodic fears that Burundi, too, might witness a Rwanda-style genocide.

The differences between the two countries, however, are very important as well. While Hutus constitute an overwhelming majority of the population of both countries, in Rwanda the Hutus had also been in control of the military and security. The Hutus in Burundi, on the other hand, have the numbers, but it was only in 1993 that they won a significant piece of the political pie in the country's first democratic elections.

The results of those elections were tragically marred when, in October of that year, the newly-elected President Ndadaye, whom the Hutus of the country thought of as their own Nelson Mandela, was assassinated. The culprits were never publicly identified, let alone brought to justice. And in the aftermath of the assassination a tidal wave of revenge led to the slaughter of perhaps 50,000 people, mostly Tutsis. Again, culprits were never identified, let alone tried.

The political situation in the country has been tottering from one crisis to the next ever since, periodically verging on an explosion of one sort or another. The Security Council has felt it necessary to dispatch two missions to the country in the past year or so. Burundi is the only country in crisis which has received attention of this intensity. I have had the privilege of serving on both of these missions.

There are one or two indelible impressions which Burundi leaves on a visitor. One is the corrosion of the body politic caused by what has been aptly described as "a culture of impunity". It is difficult to instil respect for human life, let alone a sense of political responsibility, if crimes — even political crimes, even political assassinations, even an assassination of the country's President — go unpunished. The international commission of inquiry which would be set up according to the draft resolution before of us would continue the excellent work of the Mission of Ambassadors Aké and Huslid, whose sensitive report of May 1994 is mentioned in the first preambular paragraph of the draft. The persons identified as having participated in the assassination of President Ndadaye or in the subsequent slaughter of Tutsis, which the Burundian authorities describe as genocide, will then presumably be dealt with by the arm of the law, which in Burundi would demonstrate for the first time in years that crimes do lead to punishment.

There is one other indelible impression that one gets in Burundi. With the 1993 elections, the country set out on a democratic path. Democracy as the rule of the majority is one thing we all understand. In Burundi especially, though, democracy's other aspect comes into play — the protection of minorities. The Tutsi minority now distrusts its country's democracy and sees sufficient self-protection only in having control of all the country's guns. Over the coming years, sufficient trust will have to develop between the two ethnic groups, trust which will allow all segments of the population to participate in all aspects of the country's life.

The commission of inquiry might be of assistance here as well inasmuch as it might make recommendations concerning appropriate legal, political or administrative measures, for such measures are probably necessary if Burundi is in the future to avoid not only the vortex of Rwanda, but also the twin dangers of a dictatorship based on the predominant majority of one ethnic group as well as a dictatorship based on a firepower monopoly of the other ethnic group.

Mr. He Yafei (China) (*interpretation from Chinese*): The past two years have witnessed continued political turbulence, a further deterioration of the humanitarian situation in Burundi and an increasing outflow of refugees from the country, which has posed a threat to peace and stability in the region. The Chinese delegation is deeply concerned over this situation.

In his recent letter to the President of the Security Council, the Secretary-General proposed to set up an international commission of inquiry to establish the facts relating to the assassination of the President of Burundi in October 1993 and the massacres that followed and to make recommendations on the punishment of those who committed the crimes. The Chinese delegation endorses this proposal in principle and will vote in favour of the draft resolution before us. We hope that this move by the Council will contribute to national reconciliation in Burundi.

We are of the view that the international community, in assisting with the settlement of the Burundi question, should fully respect the independence and sovereignty of the Republic of Burundi and should not interfere in its internal affairs. Therefore, it is very important to heed and respect the views of the Burundi Government in connection with the establishment of the commission of inquiry. Only with the full cooperation of

the Burundi Government can the commission function smoothly after its establishment.

We have noted that the mandate of the commission whose establishment is about to be authorized is rather extensive, touching in certain aspects upon Burundi's sovereignty and internal affairs. We maintain that the Security Council must be very prudent when making or implementing its decisions in this regard. At present, as a matter of principle, we have certain reservations about some elements of the commission's mandate. However, considering that some amendments have been made to the text and that the Government of Burundi has stated that it can accept the text, and also considering the very special circumstances in Burundi, it can be treated as a special case.

In order to establish at an early date the facts relating to the assassination of the President of Burundi and the ensuing massacres, we call on the parties concerned to provide the commission of inquiry with all possible assistance for the successful fulfilment of its mandate.

Mr. Nkgowe (Botswana): The delegation of Botswana has carefully studied document S/1995/631, which contains a letter from the Secretary-General addressed to the President of the Security Council and the report of Dr. Pedro Nikken on the proposal to establish an international commission of inquiry to investigate the facts surrounding the October 1993 coup attempt in Burundi and the massacres that followed it. We are grateful to the Secretary-General and, through him, to Dr. Nikken for the excellent report, which constitutes a solid basis for the deliberations of the Council.

We would have wished that, where atrocities had occurred such as those in Burundi in 1993, concerted efforts had been made to deliver justice swiftly. Failure to deliver justice on time has now resulted in a self-perpetuating situation. We are deeply distressed by the politically motivated killings that have become a feature of life in Burundi. We fully share the frustration and deep concern of many delegations which believe that the creeping culture of killings which threatens to take root in Burundi must be stopped and reversed.

It is a matter of paramount importance that the Commission should be international, independent and impartial if it is to be credible and successful. The report before the Council underlines, for a good reason, the importance of proceeding urgently but cautiously in establishing the commission. The perpetrators of the coup attempt of October 1993 and the massacres which followed must be brought to justice. At the same time, we must be careful in dealing with this matter lest we open old wounds in our zeal to bring the perpetrators to book and find ourselves in a much worse situation when the commission leaves Burundi than when it came in. In other words, the work of the commission should at the end of the day help foster national reconciliation and political stability in Burundi.

The draft resolution before the Council addresses the pertinent issues contained in the report of the Secretary-General. Needless to say, the cooperation of the Government of Burundi is not only vital but the key to the successful outcome of the work of the commission and the follow-up mechanisms. It is the Government of Burundi which will have to implement the recommendations of the Commission. Operative paragraph 1 (a) and (b) and operative paragraph 5 (a) to (f) constitute the spirit and the very essence of the work of the commission. It would be an exercise in futility if the Security Council were to establish a commission which could not work freely in Burundi nor have its recommendations implemented. In this respect we urge the Government of Burundi to extend its full cooperation to the commission which it itself has invited.

My delegation is particularly attracted to what ideas and recommendations on

> "measures of a legal, political or administrative nature, including measures requiring legislative or constitutional reform..." *(S/1995/724, para. 1 (b))*

the commission might come up with, because we firmly believe that such an approach is forward looking. Of course such recommendations would be subject to the acceptance or otherwise of the Burundi authorities. We, however, find this idea attractive because in a highly polarized society such as that of Burundi today it is only institutions based on justice, the rule of law and democracy that can guarantee protection of the rights of all individuals irrespective of ethnic origin. If the commission could come up with clear-cut recommendations relating to these measures which could be acceptable to the Burundi authorities, a cornerstone would have been laid in establishing impartial institutions that could address all issues or respond to all situations without fear or favour. It is, after all, the duty and responsibility of the people of Burundi themselves to bring an end to the vicious cycle of impunity. This can occur only if all citizens are fully aware that they will be

held personally responsible and accountable for their actions in accordance with the law of the land and before their own institutions and people. The international community can only support and assist them in this difficult task. The draft resolution before us crystallizes the revulsion of international public opinion and the overwhelming consensus on the need to eradicate impunity in Burundi. It is time that the people of Burundi did everything possible to assign impunity to its rightful place: the relics of their past unhappy history. Nobody can do that for them.

In short, the Government and people of Burundi have an opportunity to make a clean break with their dark past and to create decent standards of behaviour and civilized conduct with institutional guarantees. It is an opportunity they cannot afford to miss.

Mr. Ayewah (Nigeria): The draft resolution before us has two objectives. The first is to help heal the wounds of the recent past by establishing the facts relating to the assassination of the late President of Burundi on 21 October 1993, as well as the massacres that followed; and the second is to put an end to the culture of impunity which seems to persist in Burundi by bringing to justice those found guilty of those acts. These objectives can make important contributions towards national reconciliation and the future stability of the country.

In this context, my delegation has carefully read the letter of the Secretary-General to the President of the Security Council dated 28 July 1995, as well as the accompanying report of Mr. Nikken on the modalities which the international community could employ in assisting the Government and people of Burundi to achieve the two objectives that I have just mentioned.

My delegation has no objection, in principle, to the recommendations of the Secretary-General for the establishment of an international commission of inquiry with a subject-specific mandate that seeks to achieve the two objectives I have already identified. None the less, my delegation believes that political arrangements in a country fall within the purview of the duties of the State in the exercise of its sovereignty. Furthermore, it is our view that the support and commitment of the Government of Burundi must be obtained so as to ensure the attainment of the objectives of this draft resolution. We are encouraged that the parties in Burundi have, through the Convention of Government, agreed in principle to the setting up of such an inquiry. The cooperation of the Government of Burundi would become even more important for the implementation of the various recommendations and decisions of the international commission. We therefore see a lot of wisdom in the commission's consulting closely and at every stage with the Government of Burundi and look forward to the reports of the Secretary-General on the work and progress of the commission of inquiry.

Finally, the Security Council has demonstrated its concern over the tragic situation in Burundi by, *inter alia*, dispatching to that country within one year two special missions of the Council. Nigeria was honoured to chair both missions. The reports of the two missions may have contributed positively to the promotion of peace in Burundi.

The present draft resolution, which we support, further demonstrates the Council's continuing interest in the search for peace in Burundi. My delegation is therefore hopeful that the commission, while mindful of the need to punish past deeds and address the culture of impunity, will endeavour to be forward looking in its recommendations in order to promote national reconciliation and future stability in Burundi.

Mr. Al-Sameen (Oman)*(interpretation from Arabic)*: The Security Council is meeting today to consider a very important matter, the situation in Burundi, and to establish an international commission there.

The history of Burundi since independence has been one of a power struggle between the two main ethnic groups there. This struggle has led to the death of hundreds of thousands of persons — men and women, young and old, Hutu and Tutsi. People have been slaughtered for no apparent reason other than their belonging to a specific ethnic group or to their living in a certain place. Each death is a tragedy in itself. In a climate where lawlessness reigns, each killing refuels the cycle of hatred and revenge.

The assassination of President Ndaday in 1993, just a few weeks after he had delivered a statement on behalf of his country before the General Assembly, and the abortive coup d'etat and the massacres that followed it plunged the country once again into a political and humanitarian crisis which has sparked a new cycle of killings and other violence: grenades are thrown into marketplaces; families are shot in their homes at night; people are stoned to death on the streets.

My delegation believes that one of the main reasons for such violence is that those responsible usually flee

with complete impunity and do not answer to the rule of law. Those responsible for the killings of hundreds of thousands of people over the last 30 years have not been identified, let alone been brought to justice. This climate has encouraged some people to take the law into their own hands, partly because they do not believe in the integrity of the judicial system, and partly because they are trying to pursue their own political agenda, regardless of the human cost.

It is for these reasons that my delegation will welcome the adoption of the first resolution on the situation in Burundi requesting the Secretary-General to establish, as a matter or urgency, a commission of inquiry to investigate the facts relating to the assassination of President Ndadaye in 1993 and the acts of violence that followed. We would like to mention particularly that this idea did not come out of the blue. It was referred to in the Aké-Huslid report; recommended by the Security Council mission to Burundi; foreseen by the parties in the Convention of Government; and called for in many presidential statements issued by the Council on the situation in Burundi. Therefore, we are delighted that this idea is finally taking shape.

We, like others, are of the view that the establishment of such a commission will be a significant step towards putting an end to the culture of impunity, which breeds further violence. It will expose the extremist elements on both sides, and will deter any attempt by them to further destabilize the situation and the peace and security of the country.

However, in order for the work of the commission to be successful, it has to be both impartial and independent in terms of its mandate and its composition. Full respect by the Burundian Government for the commission's integrity and security, as well as access to information and witnesses, are essential for the commission's success in carrying out its mandate. It is also extremely important that there be a commitment by the Burundi Government to implement the recommendations that the commission will submit. Otherwise, the whole exercise will be meaningless.

We reiterate that, based on the political nature of the situation in Burundi, and as we understand that this draft resolution is accepted by the Burundi Government, my delegation will vote in favour, hoping that its adoption will contribute towards bringing about peace and national reconciliation.

In conclusion, I would like to commend the efforts of the Secretary-General and his Special Representative in Burundi, Mr. Ahmedou Ould Abdallah, as well as the efforts of the Organization of African Unity (OAU), to bring about peace and stability in Burundi.

Mr. Rendón Barnica (Honduras): Impunity is a difficult problem to resolve. This phenomenon is a clear sign that a State at a given point does not have control over its society, and that those involved in various crimes are beyond the reach of the law.

In Burundi, where people have been afraid to denounce others because of fear of reprisal or because they belong to the same ethnic group, there has been a growing consensus that there needs to be an impartial and objective investigation of the assassination of President Ndadaye in October 1993 and of the subsequent massacres. My delegation considers it to be a positive act that the Government of Burundi has officially asked the United Nations to initiate the establishment of an international commission to investigate the facts and to bring those responsible to justice, as is mentioned in the Convention of Government.

Resolving the problem of impunity in Burundi and at the same time opening the way to reconciliation and dialogue is no easy task. But Burundi has in its favour the universal desire for peace and stability in the country. There is also a consensus of all parties that a climate of internal peace and stability should be created, together with instruments, such as the Convention of Government that can provide an appropriate framework for the attainment of lasting peace.

Responsibility for the maintenance of peace and security in Burundi resides precisely with the people and the coalition Government established on the basis of the Convention of Government signed on 10 September 1994. In this respect, it is important to underscore the efforts being made by the Burundi Government to achieve national reconciliation through programmes for confidence-building among the different components of society.

This initiative by the Government of Burundi to establish an international commission, as provided for in the Convention of Government, is commendable. It will promote the restoration of a state of law and improve the functioning of the judicial system. It is, moreover, aimed at resolving a fundamental problem in Burundi, one which jeopardizes its security: the image of impunity.

My delegation completely understands the importance of establishing an international judicial commission of inquiry, which is why we decided to sponsor the draft resolution. We agree that the cooperation of Burundi's authorities and institutions is essential if the work of the commission is to be successful. In this respect, we believe that the commission must operate in Burundi with complete freedom, independence, and security, with broad access to all the information in the possession of the Government.

The President: I shall now put to the vote the draft resolution contained in document S/1995/724.

A vote was taken by show of hands.

In favour:

Argentina, Botswana, China, Czech Republic, France, Germany, Honduras, Indonesia, Italy, Nigeria, Oman, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1012 (1995).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Fulci (Italy): The Italian Government and the Italian people have been concerned for a long time about reports of the systematic, widespread and flagrant violations of international humanitarian law that were committed in Burundi following the assassination of President Ndadaye on 21 October 1993.

We have on previous occasions extended our full support for the statements of the President of the Security Council, who twice this year appealed for an end to be put to the impunity still enjoyed by the perpetrators of these crimes. It is the very concept of impunity for those responsible for such dreadful crimes that is unacceptable.

It was against this background that Italy decided to join the sponsors of the draft resolution just adopted by the Security Council. With this resolution, the Council responds not only to concerns felt worldwide but also to the decision of the parties of Burundi, in the Convention of Government of 10 September 1994, to seek the establishment of an international commission of inquiry. The report prepared by Mr. Pedro Nikken, the legal expert appointed by the Secretary-General, and the proposals made by the Secretary-General himself on the basis of this report have provided the framework for the Council's decision to establish such a commission.

We look forward to an early beginning of the work of the commission, and in particular we agree with the provision that an interim report be submitted to the Council by the Secretary-General within three months from the date of the Commission's establishment. This would allow the Council to make a preliminary assessment of the progress of the commission's work and to give a signal of its determination to move as quickly as possible towards putting an end to impunity in Burundi.

We agree also with the broad mandate given to the commission. It is called on not only to establish the facts and recommend measures to eradicate impunity, but also to make specific proposals aimed at preventing any repetition of deeds similar to those it is investigating, as well as to promote national reconciliation.

We believe that the work of the commission of inquiry should contribute above all to the restoration of peace in Burundi, where the overall political situation continues to be of concern. The violence there gives no real sign of abating, and the existing tensions could easily shatter the fragile stability of the country.

While a solution to the crisis of Burundi and the entire region can be found only through political and diplomatic means, the commission of inquiry can also make specific proposals aimed at fostering better coexistence of the various ethnic groups.

It is our view that the only real chance to stop the violence that has ravaged Burundi in the last two years lies in initiating a process of true national reconciliation. Mutual acceptance of all ethnic groups has to be the basis on which to build such a process. We hope that the establishment of a commission of inquiry, which is being requested by the Council today, can make a useful contribution to this end.

We trust that Ambassador Terence, whom we welcome as a new colleague and friend and who happens to be sitting at this table tonight, will convey to the Government and the people of Burundi the expectations of the Security Council in this regard.

Mr. Gnehm (United States of America): Today we have voted to take a major step towards stability in

Burundi: we have firmly declared that the culture of impunity must be brought to an end. With this vote to establish a commission of inquiry, we declare that it is no longer tolerable to get away with murder in Burundi. In doing so, we have acted in response to the initiative of the Government of Burundi and the recommendation of the Secretary-General. The cosponsors drafted this resolution in close consultation with the Burundi authorities here and in Bujumbura.

My Government is deeply concerned over the precarious instability of Burundi, and we must do all we can to prevent a replay of the horrendous tragedy in Rwanda. We have acted here today out of our abiding humanitarian concern in stemming the systematic, widespread and flagrant violations of international humanitarian law that have plagued Burundi in the aftermath of the October 1993 assassination of its President.

The continuing instability in the area demonstrates the importance and the urgency of fostering reconciliation and accountability for human rights abuses. My Government supports the September 1994 agreement that established a power-sharing system. We deplore attempts to destabilize the situation or to foment violence, including through the broadcasting of incitement to hatred over the radio. My Government is providing $4 million in development aid to Burundi this year, with a special focus on building stable and accountable democratic institutions.

It is our hope and our intent that the commission we have authorized today will help to set Burundi firmly on the path to renewed peaceful and democratic governance, along with respect for human rights. It will establish the facts relating to the assassination of the President of Burundi on 21 October 1993 and the massacres and other serious acts of violence that followed. It will, in the words of the resolution, recommend measures to prevent any repetition of deeds similar to those investigated by the commission and to eradicate impunity in Burundi. These measures will be recommendations. It will remain up to the Government of Burundi to decide on what measures are taken.

We trust that the Secretary-General, as he moves to implement this resolution, will appoint distinguished commissioners reflecting a variety of judicial backgrounds, and that all in Burundi will cooperate fully and openly with them. We look forward to their appointment and to their embarking on an effort crucial to Burundi's future. We are convinced that the Government and people of Burundi strongly support the creation of this commission of inquiry and agree with them that this is an important step in the process of national reconciliation. With the end of impunity will come the beginning of new hope.

Mr. Rudolph (Germany): My delegation cosponsored the draft resolution we have just adopted, which requests the Secretary-General to set up an international commission of inquiry to establish the facts relating to the assassination of the President of Burundi on 21 October 1993, as well as the massacres and other related serious acts of violence which followed. We welcome in particular the fact that the mandate of the commission also includes making recommendations of a legal, political or administrative nature. This will help the people of Burundi to prevent any repetition of the barbaric acts under investigation.

The resolution is based on recommendations by the Secretary-General and takes into account the position of the Burundi Government. In this respect, I should like to call on all Burundi authorities, institutions and political parties to cooperate fully with the work of the impartial jurists to be appointed by the Secretary-General.

Justice is a prerequisite for national reconciliation. It is our hope that the establishment of the Commission will be a first step towards this goal by assisting Burundi to break the vicious cycle of impunity which has so afflicted the country. While it is the Burundi people who bear the main responsibility for overcoming their difficult situation, the international community will have to assist them in their efforts. My country has substantially increased its humanitarian assistance following the tragic events in 1993. For this year, we have contributed the sum of $6 million for humanitarian and rehabilitation projects.

The establishment of the Commission of Inquiry gives the Burundi people the opportunity to come to terms with its past and to lay the groundwork for a better future. The work of the Commission will be difficult. The events to be investigated are recent, and emotions are still running high. But the past has to be laid out in the open in order to give the Burundi people the chance to work for a better tomorrow.

Mr. Ladsous (France) (*interpretation from French*): The resolution that the Council has just adopted unanimously establishes an International Commission of Inquiry whose mandate it will be to establish the facts relating to the assassination of the President of Burundi

on 21 October 1993 and the massacres and other grave acts of violence that followed. Above all, its mandate will be to make recommendations so that, on the one hand, the guilty are brought to justice and, on the other, that such acts do not recur.

Since the death of President Melchior Ndadaye, Burundi has entered a spiral of violence, still with no end in sight. As everyone is aware, the primary causes of this violence are political. Burundi now finds itself in a very delicate position in which extremists are trying to take advantage of institutional weakness. This violence is also encouraged by the absence in Burundi of an effective judicial system that would make it possible to bring before the courts those guilty of flagrant violations of international humanitarian law.

My delegation hopes that the establishment of this International Commission of Inquiry will make it possible to identify the perpetrators of these crimes. We recall that the report of the preparatory fact-finding mission to Burundi, led by Ambassador Martin Huslid and Ambassador Simeon Aké, made it clear that certain individuals behind the *coup d'état* were in the country and could be identified. We now ask that they be clearly identified and that light be shed on the tragic events that occurred after 21 October 1993.

None the less, my Government considers that attempting to break the cycle of impunity will not be enough to restore stability to Burundi and the rest of the region. It seems to us that the disease festering in central Africa goes much deeper than that, a point that did not escape the authors of the report to which I have just referred.

National reconciliation of the whole populace, in Burundi as in other countries of the region, really requires the implementation of measures on a vaster scale. The questions of refugees, regional overarmament, economic development and institutional consolidation in all these countries must all, in our view, be viewed in a larger framework.

My Government has stated repeatedly that the organization of a regional conference on peace, stability and development for the countries of the Great Lakes region should be the first step towards making it possible for this part of Africa to heal its wounds. We hope that the Council will soon be considering ideas regarding the organization of such a conference, ideas that the Special Envoy of the Secretary-General will bring back from his mission to the region, as requested in resolution 1011 (1995).

This initiative must be able to take shape rapidly, for the region has recently undergone new upheavals. We must at all costs prevent a repetition of the tragic events experienced by millions of men and women in the past. We must, instead, offer them the means of regaining the road of democracy, progress and tolerance. My Government will be ready to play an active part in any initiative to that end.

Sir John Weston (United Kingdom): The events of 1993 which inspired this resolution were tragic; they marked the beginning of very difficult times for Burundi, which have, regrettably, continued to the present day.

The United Kingdom Government shares the concern expressed by others at the continuing instability in Burundi. We believe that the culture of violence and impunity is a major factor in the troubles there, and hope that the Commission will identify those responsible for the events of 1993 and thus help counter this climate of impunity.

This resolution sends a clear message that those responsible for grave violations of humanitarian law will be held responsible for their actions. The British Government therefore strongly supports the establishment of a Commission of Inquiry, and my delegation is pleased to have co-sponsored the resolution which provides for this.

We believe that the strengthening of the Burundi judicial system is vital to the stability of Burundi and look forward to receiving the Commission's recommendations on the measures necessary to prevent any repetition of the kind of events which took place during 1993.

The cooperation of the Government of Burundi and all Burundi political parties will be vital if the commission is to succeed. We therefore trust that the Commission will be given the necessary access by the Government of Burundi and that the security of its members will be guaranteed.

The resolution calls on States to contribute to the Trust Fund for the Commission to enable its work to start promptly and effectively. The United Kingdom will be making a contribution of £20,000 for this purpose.

Mr. Bakuramutsa (Rwanda) (*interpretation from French*): Allow me first, Mr. President, to congratulate through you, Ambassador Terence on his appointment as Ambassador and Permanent Representative of Burundi to the United Nations. My delegation offers him its fullest possible cooperation.

My delegation agreed to co-sponsor this resolution on the establishment of a Commission of Inquiry into the crimes committed in Burundi, mainly because of our support for the Government of Burundi's request for such a Commission to be established, a request accepted by the main political parties of the country. In order to restore peace to a country and, above all, to establish justice there, the course to be followed must be charted by those concerned. The international community can only provide the support needed to complement internal efforts.

My delegation recognizes, above all, that Burundi is part of a network of countries in the Great Lakes region and cannot be separated from that whole. Consequently, that country's problems cannot be resolved if one disregards what is happening in the other countries of the subregion.

Unlike the other subregions of Africa, the countries of the Great Lakes have experienced, to the detriment of the population, the institutionalization of a culture of impunity. The Great Lakes region is now considered a powder keg and a source of refugees. It is important for the Council to understand the reasons for this.

While it has been said that the Balkans have produced a history that could not be brought to fruition, the countries of the Great Lakes have produced over the past 10 centuries a history worthy of them. A heterogeneous population has lived there in harmony, concerned with the creation of functioning States and the establishment of a balance between States and the peoples of which they are made. Foreigners visiting these countries have found organized States in full expansion and populations with a history and a culture. This was witnessed by the Arab and German pioneers in the region.

The Council must recognize that this balance was destroyed by the presence of foreign Powers, which had interests that superseded those of local nationals. Let me quote a leader of Burundi, who rightly said that

> "If colonization had been such a good thing, the European countries would have colonized one another".

That is why current events in the countries of the region, especially in Burundi and Rwanda, are our inheritance from the trusteeship the administration of which the United Nations entrusted to Belgium and from the linguistic and economic interests that France wishes to pursue in the region, to the detriment of the interests of these countries. It is important to note the historic role of these two countries and their great responsibility with respect to current events in the region. My delegation is convinced that it is time for positive and constructive cooperation and for abandoning a form of cooperation that is partisan and destructive.

While having voted in favour of the resolution, my delegation has some important questions with respect to the role of the commission and, above all, the results it will be able to achieve. There are a number of preconditions that must be respected if the work of the commission is to be effective.

The Council has just decided to come to Burundi's aid. How can it be credible if in worse circumstances than those in Burundi — those in neighbouring Rwanda — it proved unable to put an end to the impunity enjoyed by human-rights criminals who committed crimes against humanity and who carried out genocide in the full view of all the members of the Council? How can we convince the Barundi people that the Council takes events in their country seriously if those who committed genocide in Rwanda have never been curbed, but, rather, have been placed under the wing of the international community? How can we convince the Barundi people that the Council is serious when its most prominent members armed, financed and continue to protect those who have committed crimes against humanity, even though those members are signatories of the Convention on genocide. It is those very criminals who provide military support for Burundian extremists.

Until the Council denounces the criminals who have committed genocide in Rwanda, along with those who support them, there will be no compelling reason to denounce the criminals in Burundi. Until the Council denounces the countries that arm the criminals and support Governments that have institutionalized crime as a management technique, it will be impossible to make a real impact on the present situation in Burundi.

Indeed, the very methods that were used in Rwanda, such as propaganda radio broadcasts, are being used in Burundi. The very individuals who committed crimes in Rwanda are providing technical and military support in

Burundi so that the same genocide can be carried out. The very countries that provided political, financial and military support to the criminals in Rwanda are now collaborating with the criminals in Burundi.

What is the point of the commission's work and its conclusions if Burundi's borders continue to be attacked? What will be the point of the commission's results if radio broadcasts from a neighbouring country continue to create an atmosphere of tension and ill-feeling among the peoples of Burundi? How can Rwanda finally think of reconstruction while knowing that the criminals and masterminds of genocide are encouraging extremists in Burundi to do what they did in Rwanda in 1994? As members know, if we want to put a stop to the impunity that reigns in the Great Lakes region we must eradicate the evil at its roots. We must wipe out impunity not by addressing its symptoms, but by getting to the very causes of the evil.

My delegation wishes also to recognize the responsibility of the citizens of the region and of the countries concerned. The Barundi themselves bear primary responsibility for their future. We are certain that the Barundi people possess the elements of an internal solution, of which those outside cannot be unaware. In that connection, Burundi has established a whole framework of institutions, organizations and conventions, and a judicial system to ensure the functioning of Burundi's society. That is why my delegation appeals to the United Nations and to the international community to support all these Burundian institutions, which need support in order to fulfil their role, as called for in General Assembly resolution 49/7, adopted in October 1994.

As my delegation has said on previous occasions, the United Nations and the Security Council cannot solve the problems of the subregion without involving the regional and subregional organizations established by the States of the region. In most cases, these organizations have demonstrated their know-how and have taken a thoroughly suitable approach to solving the problems of their member States. Yet they have never managed to go further in the quest for solutions, because of a lack of means. It is therefore necessary to provide them with material, technical and financial support so that they can better fulfil their role, a role that is indispensable and complements that of the United Nations and the Security Council.

We close by appealing to the Security Council for appropriate measures to save the subregion from another bloodbath caused by certain countries that continue to fuel or maintain conflicts by providing material and moral support to extremists of various stripes. It would be cheaper for the international community to prevent conflicts, which would enable the countries of the subregion to focus their efforts on development and reconstruction programmes.

The President: I shall now make a statement in my capacity as the representative of Indonesia.

My delegation voted for the resolution before us today, by which the Security Council decided to establish an international commission of inquiry for Burundi. Having been a member of the Security Council's second mission to Burundi, which recommended the establishment of such a commission, I take special satisfaction in the decision just adopted by the Council. The establishment of the commission is indeed necessary to ascertain the facts about the October 1993 assassination of the President of Burundi and the subsequent genocide, so that persons responsible for Burundi's tragedies can be brought to justice. Without such justice, fairly determined by neutral observers, the result would be an environment of impunity which could then lead to unsanctioned retribution by parties seeking redress for past injustice. Such acts of violence are seized upon by other parties as unjust, and are similarly reacted to with violence, which continues the cycle. This cycle makes national reconciliation, prosperity and development virtually impossible.

Even if the current level of violence is not as extreme as the period of genocide in 1993, the savagery that has dominated Burundi's recent history still exists to a large extent today. Recent reports of violent protests, shipments of land mines into Burundi and attacks which have killed innocent children have reminded the world that ethnic and political tensions in the country have not been allayed. My delegation echoes the concern that the situation in Burundi remains volatile, and could easily deteriorate.

We believe that this resolution has the potential to provide the solutions to some of Burundi's problems. For instance, the general lack of information regarding the events of 1993 has led to an environment in which it is easy to assign blame and in which little evidence is seen as necessary to invoke violent revenge — a situation which should be ameliorated. Burundi itself has recognized this need, and in this regard my delegation expresses its appreciation for Burundi's approval of the establishment of a commission composed of impartial,

experienced, internationally respected jurists. Its efforts to formulate terms of reference for the commission demonstrate the political will to improve its judicial system.

My delegation expects that the work of the Commission will contribute to a climate conducive to the establishment of a justice system of fairness and equality, which will further Burundi's efforts to become a nation of peace and prosperity. In this regard, the Commission is expected, among other things, to recommend measures of a legal, political and administrative nature, as appropriate, and measures with regard to bringing to justice persons responsible for the assassination of the President of Burundi in 1993 and the massacres and other related serious acts of violence which followed, in order to prevent any repetition of deeds similar to those investigated by the Commission, and in general to eradicate the climate of impunity.

However, we wish to emphasize the sensitivity of the functioning of the Commission. Its recommendations should carefully consider the political context in which the parties in Burundi are working towards national reconciliation. My delegation therefore emphasizes that the functioning of the Commission should not undermine the equally important process of national reconciliation in Burundi.

My delegation is of the opinion that Burundi's sovereignty and territorial integrity are of great importance and that the recommendations of the Commission should not impinge upon those sacrosanct principles. Given the complexities of the situation, observance of those principles will make a distinct contribution to resolving the situation and to furthering the national unity and reconciliation that Burundi requires.

We have faith that the good cooperation between the Government of Burundi and United Nations officials will extend to the specifics of the resolution and that, in particular, the Commission will enjoy the freedom to obtain all relevant information in a safe and secure environment, as reflected in paragraph 5. We further believe that the international community recognizes the importance of this process and will support it wholeheartedly with all available resources. Without such support, the cycle of blame and revenge may continue, exacerbating the tragedy that has already befallen Burundi.

My delegation would like to thank the sponsors of the resolution before us today for addressing the delicate situation in Burundi. We believe that the implementation of the resolution will help restore confidence and security to the country, enabling Burundi to move towards an environment of peace and prosperity.

I now resume my functions as President of the Council.

The representatives of France and Rwanda wish to speak at this point.

Mr. Ladsous (France) (*interpretation from French*): I apologize for speaking, but I wish to address the statement made by the Ambassador of Rwanda that Belgium and France are pursuing linguistic, economic and political interests — I believe those are the words he used — which are contrary to the interests of the countries of the region.

It is not my habit to address such gratuitously unpleasant comments as those made by the Ambassador of Rwanda, but I believe that for once I am obliged to do so. His statement is clearly contrary to the logic of the actions of my country, which, I recall was among the first to renew diplomatic relations with Rwanda after last year's crisis and one of the first to redevelop cooperation with its Government.

But what does it really matter now? All this is trivial and has nothing whatever to do with the goal of this meeting, which is to demonstrate that we are waiting for the facts to be established and the truth to be ascertained. More generally, as I said in my earlier statement, the restoration of peace in the Great Lakes region is indeed the result we are all pursuing. I wish to make that perfectly clear.

Mr. Bakuramutsa (Rwanda) (*interpretation from French*): My delegation does not wish to engage in polemics. It simply wants the Council to be prudent and logical when it takes its decisions. There is no logic, I believe, in establishing a commission to highlight elements of impunity in the region while some members of the Council or even countries in the region continue to arm those very elements whose impunity we wish to eliminate.

Thus, when we talk about eliminating impunity in the region, I would like us to demonstrate consistency by detaining those very criminals who enjoy that impunity and whom we are sheltering, feeding and supporting in our countries. That, I believe, is the logic of the

situation. How can the population of a region consider you to be credible if you shelter and arm those criminals? What I want is logic. This is extremely important.

The President: There are no further speakers for this meeting. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 8.35 p.m.